

EXHIBIT 116

MARK HANSEN - HIGHLY CONFIDENTIAL

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO: 1:14-cv-14176

STUDENTS FOR FAIR ADMISSIONS, INC.,)

Plaintiff,)

VS.)

PRESIDENT AND FELLOWS OF HARVARD)

COLLEGE (HARVARD CORPORATION),)

Defendant.)

DEPOSITION OF

MARK HANSEN

BOSTON, MASSACHUSETTS

WEDNESDAY, JULY 19, 2017

HIGHLY CONFIDENTIAL

ATTORNEY'S EYES ONLY

REPORTED BY: DENISE D. HARPER-FORDE

JOB NO: 127106

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2 THE WITNESS: I don't recall.

3 (BY MR. CONNOLLY):

4 Q. Do you recall ever doing any
5 follow-up analysis into whether Asians were
6 disadvantaged in Harvard's admissions
7 process?

8 MR. DULBERG: Objection.

9 THE WITNESS: In a general sense,
10 yes.

11 (BY MR. CONNOLLY):

12 Q. Do you know why you would have
13 conducted this follow-up research?

14 MR. DULBERG: Objection.

15 THE WITNESS: To incorporate
16 additional data analysis not originally
17 available to us in our original analysis or
18 exploratory work.

19 (BY MR. CONNOLLY):

20 Q. Can you tell me who at Harvard was
21 aware of your analysis of whether Asians
22 were being disadvantaged in Harvard's
23 admissions process?

24 MR. DULBERG: Objection.

25 THE WITNESS: Sorry. Could you

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2 repeat the question.

3 MR. CONNOLLY: Sure.

4 (Whereupon, the last question was
5 read back by the Court Reporter)

6 MR. DULBERG: Objection.

7 THE WITNESS: Generally, yes.

8 (BY MR. CONNOLLY):

9 Q. Who generally was aware?

10 MR. DULBERG: Objection.

11 THE WITNESS: Likely the rest of
12 the institutional research team.

13 (BY MR. CONNOLLY):

14 Q. Anyone else?

15 MR. DULBERG: Objection.

16 THE WITNESS: Dean Fitzsimmons.

17 (BY MR. CONNOLLY):

18 Q. Anyone else?

19 MR. DULBERG: Objection.

20 THE WITNESS: We were working with
21 an admissions to provide additional data,
22 but her name is escaping me.

23 (BY MR. CONNOLLY):

24 Q. Was it Elizabeth Yong?

25 MR. DULBERG: Objection.

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2 THE WITNESS: Sounds familiar,
3 yes.

4 (BY MR. CONNOLLY):

5 Q. Do you know if Jeff Neal was aware
6 of your analysis?

7 MR. DULBERG: Objection.

8 THE WITNESS: Could you repeat the
9 question.

10 (BY MR. CONNOLLY):

11 Q. I can repeat it.

12 Do you know if Jeff Neal was aware
13 of any of your analysis into whether Asians
14 were being disadvantaged in Harvard's
15 admissions process?

16 MR. DULBERG: Objection.

17 THE WITNESS: I saw his name on
18 documents produced yesterday as part of
19 preparation, but I did not at the time,
20 no.

21 (BY MR. CONNOLLY):

22 Q. So do you know whether he saw
23 this?

24 MR. DULBERG: Objection.

25 THE WITNESS: I do not, no.

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2 Q. Before I believe you testified that
3 there were multiple projects in which you
4 analyzed whether Asians were disadvantaged
5 in the admissions process. Do I have that
6 correct?

7 MR. DULBERG: Objection.

8 THE WITNESS: It's hard to make the
9 distinction between one project and
10 multiple projects. Often with a lot of the
11 work in The Office of Institutional
12 Research there would be multiple iterations
13 that might be dealing with the same
14 question in different ways or advising
15 prior work.

16 (BY MR. CONNOLLY):

17 Q. So you remember having multiple
18 iterations into the question of whether
19 Asians were being disadvantaged in
20 Harvard's admissions process?

21 MR. DULBERG: Objection.

22 (BY MR. CONNOLLY):

23 Q. That's correct?

24 MR. DULBERG: Objection.

25 THE WITNESS: Can you repeat the

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2 question.

3 (BY MR. CONNOLLY):

4 Q. Is it your testimony that you
5 remember multiple iterations into whether
6 Asians were being disadvantaged in the
7 admissions process?

8 MR. DULBERG: Objection.

9 THE WITNESS: Yes.

10 (BY MR. CONNOLLY):

11 MR. CONNOLLY: Shall we break for
12 lunch.

13 (Off the record at 11:57 AM)

14 (Lunch break taken)

15 (Back on the record at 12:38)

16 MR. CONNOLLY: I would like to mark
17 as Exhibit 5 a document Bates number 65741.

18 (Whereupon, Exhibit No. 5,
19 Admissions 2013 Presentation, was
20 marked for identification).

21 (BY MR. CONNOLLY):

22 Q. Please review this, and let me know
23 when you have finished. Do you recognize
24 this document?

25 A. Only in a very general sense, and

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2 it maybe that a copy of this was presented
3 to me during preparation.

4 Q. Do you know what this document
5 is?

6 MR. DULBERG: Objection.

7 THE WITNESS: I do not.

8 (BY MR. CONNOLLY):

9 Q. I will represent that the file name
10 is "Admissions_presentation_2013,
11 0118_MH"?

12 A. Okay.

13 Q. Given OIR's file naming practices,
14 is there any reason to believe that you did
15 not author this document?

16 MR. DULBERG: Objection.

17 THE WITNESS: No, subject to the
18 caveats I outlined earlier in terms of
19 whether conventional was followed and
20 additional authors.

21 (BY MR. CONNOLLY):

22 Q. Okay. Is it reasonable to assume
23 based on the file name that this was
24 created around January 18, 2013?

25 MR. DULBERG: Objection.

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2 THE WITNESS: I'm not sure.

3 Subject to the same caveats before.

4 (BY MR. CONNOLLY):

5 Q. Turn to page 65743. Can you
6 describe to me generally what this chart
7 represents?

8 MR. DULBERG: Objection.

9 THE WITNESS: Yes.

10 (BY MR. CONNOLLY):

11 Q. What does it represent?

12 MR. DULBERG: Objection.

13 THE WITNESS: The admit rates by
14 ethnicity.

15 (BY MR. CONNOLLY):

16 Q. Do you know why you were only
17 looking at Whites and Asians in this
18 chart?

19 MR. DULBERG: Objection.

20 THE WITNESS: Repeat the
21 question.

22 (BY MR. CONNOLLY):

23 Q. Do you know why you were only
24 looking at Whites and Asians in this
25 chart?

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2 MR. DULBERG: Objection.

3 THE WITNESS: I believe for a
4 descriptive depth for our future
5 progression analysis.

6 (BY MR. CONNOLLY):

7 Q. Is this document one of the
8 iterations that you described earlier into
9 whether Harvard's admissions process
10 disadvantages Asians?

11 MR. DULBERG: Objection. Objection
12 also to the extent that it mischaracterizes
13 the prior testimony.

14 THE WITNESS: I'm sorry. Can you
15 repeat the question.

16 (BY MR. CONNOLLY):

17 Q. Is this document one of the
18 iterations you referenced earlier about
19 whether Harvard's admissions process
20 disadvantages Asians?

21 MR. DULBERG: Objection.

22 THE WITNESS: It seems likely,
23 yes.

24 (BY MR. CONNOLLY):

25 Q. Do you recall whether this document

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2 was drafted in response to any questions
3 asked of you or OIR?

4 MR. DULBERG: Objection.

5 THE WITNESS: I don't recall.

6 (BY MR. CONNOLLY):

7 Q. As a general matter, would it be
8 connected to the research you were doing
9 related to the Ron Unz article?

10 MR. DULBERG: Objection.

11 THE WITNESS: I think as a general
12 matter, yes. At least it's likely.

13 (BY MR. CONNOLLY):

14 Q. Can you turn to page 65745. Can
15 you tell me what this chart shows?

16 MR. DULBERG: Objection.

17 THE WITNESS: It would be
18 standardized differences in test scores and
19 ratings for White and Asian applicants.

20 (BY MR. CONNOLLY):

21 Q. And what does it show for academic
22 rating?

23 MR. DULBERG: Objection.

24 THE WITNESS: On average Asian
25 applicants have an academic rating that is

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2 generally higher than the Asian admit rate,
3 and both are -- even to the most qualified
4 applicants, are just below 50 something
5 percent, 52.

6 (BY MR. CONNOLLY):

7 Q. Does this chart show that for
8 Whites and Asians who have the same
9 academic index, Whites are admitted at a
10 higher rate?

11 MR. DULBERG: Objection.

12 THE WITNESS: Yes.

13 (BY MR. CONNOLLY):

14 Q. Do you have an explanation for that
15 finding?

16 MR. DULBERG: Objection.

17 THE WITNESS: I'm not sure what
18 you're asking; impossible or?

19 (BY MR. CONNOLLY):

20 Q. Do you have any explanation for why
21 White students were being admitted at a
22 higher rate than Asian students when the
23 academic index was the same?

24 MR. DULBERG: Objection.

25 THE WITNESS: Only academic index

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2 does not account for every consideration in
3 the admissions process. There are likely
4 other factors, but I can't be specific.

5 (BY MR. CONNOLLY):

6 Q. Is that just a guess?

7 MR. DULBERG: Objection.

8 THE WITNESS: I'm not sure what
9 you're asking.

10 MR. DULBERG: Off the record very
11 briefly.

12 (Off the record at 1:02 PM)

13 (Attorney Fletcher joined the
14 deposition)

15 (Back on the record at 1:03 PM)

16 (BY MR. CONNOLLY):

17 Q. Do you remember having a reaction
18 when you saw the data on page 6?

19 MR. DULBERG: Objection.

20 THE WITNESS: I do not know. I
21 don't recall.

22 (BY MR. CONNOLLY):

23 Q. Turn to page 65749. Can you
24 describe to me generally what this chart
25 shows?

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2 flagged as being athletes and having an
3 academic rating of 1 or 2, their admit rate
4 was somewhere between 80 and 90 percent.
5 Versus about 16 percent for anyone who is
6 non-athlete, I think academic 1 or 2.

7 (BY MR. CONNOLLY):

8 Q. How would you describe what this
9 chart shows about Asians?

10 MR. DULBERG: Objection.

11 THE WITNESS: So for Asian
12 applicants with an academic rating of 1 or
13 2, their admit rate is a little above 10
14 percent.

15 And for non-Asian students or
16 applicants, with academic ratings of 1 or
17 2, their admit rate is a little above 16
18 percent.

19 (BY MR. CONNOLLY):

20 Q. Do you have any explanation for why
21 Asians with an academic 1 or 2 are admitted
22 at a lower rate than others?

23 MR. DULBERG: Objection.

24 THE WITNESS: I do not.

25 (BY MR. CONNOLLY):

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Q. Would you agree that this is similar evidence that Asians are disadvantaged in Harvard's admissions process?

MR. DULBERG: Objection.

THE WITNESS: I'm not quite sure.

(BY MR. CONNOLLY):

Q. Why are you not sure?

A. There are likely other factors. So other factors being other ratings, attributes that are also present in admissions decisions.

Q. Does this provide any evidence into whether Asians are disadvantaged in the admissions process?

MR. DULBERG: Objection.

THE WITNESS: The same answer as before. I don't know that this is enough information to make a determination either way.

(BY MR. CONNOLLY):

Q. Is there enough information here that this chart would concern you, such that you would want to learn more?

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2 I would like to quickly ask some
3 questions about some of those documents.
4 Is that okay?

5 THE WITNESS: Yes.

6 CROSS EXAMINATION

7 (BY MR. DULBERG):

8 Q. Pull out Exhibit 3. Turn to slide
9 40. Do you see at the top left where it
10 says: "Needs checking"?

11 A. I do.

12 Q. If you turn back to the very cover
13 of this page, on it's face it reads:
14 "Preliminary draft, not for circulation".
15 Do you see that?

16 A. I do.

17 Q. Do you agree with me that Exhibit 3
18 is a draft?

19 A. Yes.

20 Q. You can put that document aside.
21 Let's look at Exhibit 5. Do you see on the
22 front page underneath the title there is
23 the word "subtitle"?

24 A. Yes.

25 Q. If you turn to slides 13 and 14, do

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2 you see that those slides are blank?

3 MR. CONNOLLY: Sorry. This is

4 Exhibit 5?

5 MR. DULBERG: Exhibit 5, yes.

6 THE WITNESS: Yes.

7 (BY MR. DULBERG):

8 Q. Would you agree with me that

9 Exhibit 5 is a draft?

10 MR. CONNOLLY: Objection.

11 THE WITNESS: Yes, it seems likely

12 yes.

13 (BY MR. DULBERG):

14 Q. If we look at Exhibit 10, do you

15 see in the middle of the front page where

16 it says: "DRAFT" in all capital letters?

17 A. Yes.

18 Q. Do you believe that Exhibit 10 was

19 likely a draft?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: Yes.

22 (BY MR. DULBERG):

23 Q. Earlier today you were asked some

24 questions about statistics, and you

25 referenced the difference between

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2 correlation and causation. Do you remember
3 that testimony?

4 A. Yes.

5 Q. None of the work that you did at
6 OIR shows a causal link between being Asian
7 and being admitted to Harvard or not being
8 admitted to Harvard; correct?

9 MR. CONNOLLY: Objection.

10 THE WITNESS: Yes.

11 (BY MR. DULBERG):

12 Q. None of the work that OIR did,
13 shows a causal link between being Asian and
14 being admitted or not admitted to Harvard;
15 correct?

16 MR. CONNOLLY: Objection.

17 THE WITNESS: Is that the same
18 question? I'm sorry.

19 MR. DULBERG: The first was you
20 personally, and then the second question
21 was the work of the office as a whole. So
22 I will restate the second question.

23 (BY MR. DULBERG):

24 Q. None of the work that OIR did while
25 you were employed by that office shows a

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2 causal link between being Asian and being
3 admitted or not admitted to Harvard
4 College; correct?

5 MR. CONNOLLY: Objection.

6 THE WITNESS: Yes.

7 (BY MR. DULBERG):

8 Q. Did you ever conclude that the
9 Harvard College of Admissions and Financial
10 Aid intentionally discriminates against
11 Asians Americans?

12 MR. CONNOLLY: Objection.

13 THE WITNESS: No.

14 (BY MR. DULBERG):

15 Q. Does any of the work that you did
16 while at OIR showed that Harvard College
17 intentionally discriminates against Asian
18 Americans?

19 MR. CONNOLLY: Objection.

20 THE WITNESS: I'm sorry.

21 (BY MR. DULBERG):

22 Q. There may or may not be?

23 A. Okay.

24 Q. Does any of the work that you did
25 while at OIR showed that Harvard College

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2 discriminates against Asians Americans?

3 MR. CONNOLLY: Objection.

4 THE WITNESS: No.

5 (BY MR. DULBERG):

6 Q. You were asked some questions about
7 the period of time during which you were
8 looking into the question of whether Asians
9 are disadvantaged in the admissions
10 process. Do you remember that?

11 MR. CONNOLLY: Objection.

12 (BY MR. DULBERG):

13 Q. That testimony?

14 MR. CONNOLLY: Objection.

15 THE WITNESS: Yes.

16 (BY MR. DULBERG):

17 Q. During the period of time that you
18 were looking into that question, was there
19 other work that you were undertaking?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: It seems likely. I
22 can't recall the specific start and end
23 date, but generally yes.

24 (BY MR. DULBERG):

25 Q. In general, did you work on

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2 multiple projects at the same time while
3 employed by OIR?

4 MR. CONNOLLY: Objection.

5 THE WITNESS: Yes.

6 (BY MR. DULBERG):

7 Q. You were asked some questions about
8 a series of models that we saw in Exhibit
9 4, that considered a limited number of
10 inputs. Do you recall that?

11 MR. CONNOLLY: Objection.

12 THE WITNESS: Yes.

13 (BY MR. DULBERG):

14 Q. You were asked some questions
15 throughout the day about other factors that
16 might cause a difference in the likelihood
17 of admission between Asians and non-Asians.

18 Do you recall listing a series of
19 factors?

20 MR. CONNOLLY: Objection.

21 THE WITNESS: Yes.

22 (BY MR. DULBERG):

23 Q. Are there other factors that you
24 may not have thought of earlier today, that
25 also might explain the apparent difference

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2 in likelihood of admission, based on one
3 racial identification?

4 MR. CONNOLLY: Objection.

5 THE WITNESS: Yes.

6 (BY MR. DULBERG):

7 Q. The modelling that you undertook in
8 Exhibit 4, does not take social economics
9 status into account; correct?

10 MR. CONNOLLY: Objection.

11 THE WITNESS: That appears correct,
12 yes.

13 (BY MR. DULBERG):

14 Q. There are other factors and data
15 that are not reflected in these models;
16 correct?

17 MR. CONNOLLY: Objection.

18 THE WITNESS: Certainly, yes.

19 (BY MR. DULBERG):

20 Q. Prior to conducting this modelling
21 exercise referenced in Exhibit 4 in todays
22 deposition, had you ever undertaken a
23 similar modelling exercise for OIR or any
24 other employer?

25 MR. CONNOLLY: Objection.

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2 THE WITNESS: I don't think so,
3 no.

4 (BY MR. DULBERG):

5 Q. Do you consider yourself an expert
6 in statistical modelling?

7 MR. CONNOLLY: Objection.

8 THE WITNESS: Not then, and
9 certainly not now.

10 (BY MR. DULBERG):

11 Q. Do you consider yourself an expert
12 statistician?

13 A. No.

14 Q. Do you have Doctorate degree in
15 statistics?

16 MR. CONNOLLY: Objection.

17 THE WITNESS: No.

18 MR. DULBERG: I have no further
19 questions. The deposition is concluded.

20 MR. CONNOLLY: No, I have the right
21 to redirect.

22 MR. DULBERG: You would, but you
23 have no time.

24 MR. CONNOLLY: I have one minute
25 remaining.

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2 REPORTER'S CERTIFICATE

3 I, DENISE D. HARPER-FORDE, CSR No.
4 000133, Certified Shorthand Reporter,
5 Certify that the foregoing proceedings were
6 taken before me at the time and place
7 therein set forth, at which time the
8 witness was put under oath by me.

9 That the testimony of the witness, the
10 questions propounded, and all objections
11 and statements made at the time of the
12 examination were recorded stenographically
13 by me and were thereafter transcribed.

14 That the foregoing is a true and
15 correct transcript of my shorthand notes so
16 taken.

17 I further certify that I am not a
18 relative or employee of any Attorney of the
19 parties, nor financially interested in the
20 action.

21 I declare under penalty of perjury
22 under the laws of Massachusetts that the
23 foregoing is true and correct.

24 Dated this 24th day of July, 2017

25 _____
26 DENISE D. HARPER-FORDE, CSR NO. 000133